

(cc) the Administrator of the Small Business Administration;

(dd) the Chief Counsel of the Office of Advocacy of the Small Business Administration; and

(ee) the Board of Governors of the Federal Reserve System;

(II) entrepreneurs, including entrepreneurs who are women or members of minority groups, and especially entrepreneurs who founded United States businesses that experienced rapid growth; and

(III) representatives from consumer, community, and entrepreneurship advocacy organizations.

(B) CONFIDENTIALITY.—With respect to data reviewed by the Secretary under subparagraph (A)(i), the Secretary shall ensure that the data is subject to the same confidentiality requirements and protections as the confidentiality requirements and protections of the agency or entity, as applicable, providing the data.

(3) REPORT.—The Secretary shall submit to the appropriate committees of Congress a report regarding the findings of the Secretary with respect to the assessment and analysis conducted under paragraph (1).

SA 1503. Ms. MURKOWSKI (for herself, Mr. RISCH, Mr. CRAMER, Mrs. CAPITO, Mr. TILLIS, Mr. SULLIVAN, Mr. MANCHIN, Mr. DAINES, Mr. LANKFORD, and Ms. SINEMA) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CRITICAL MINERALS SUPPLY CHAINS AND RELIABILITY.

(a) DEFINITION OF CRITICAL MINERAL.—In this section, the term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(2) many critical minerals are only economic to recover when combined with the production of a host mineral;

(3) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(4) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(c) FEDERAL PERMITTING AND REVIEW PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of Federal permitting and review processes with respect to critical mineral production on Federal land, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, and the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the “Secretaries”), to the maximum extent practicable, shall complete the Federal permitting and

review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(1) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(2) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(3) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(A) to incorporate and address the interests of those parties; and

(B) to minimize delays;

(4) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(5) engaging in early and active consultation with State, local, and Tribal governments—

(A) to avoid conflicts or duplication of effort;

(B) to resolve concerns; and

(C) to allow for concurrent, rather than sequential, reviews;

(6) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(7) expanding and institutionalizing Federal permitting and review process improvements that have proven effective;

(8) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(9) developing other practices, such as preapplication procedures.

(d) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) identifies additional measures, including regulatory and legislative proposals, if appropriate, that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(2) identifies options, including cost recovery paid by permit applicants, for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(3) quantifies the period of time typically required to complete each step associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, including by—

(A) calculating the range, the mean, the median, the variance, and other statistical measures or representations of the period of time; and

(B) taking into account other aspects that affect the period of time that are outside the control of the Executive branch, such as judicial review, applicant decisions, or State and local government involvement; and

(4) describes actions carried out pursuant to subsection (c).

(e) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under subsection (d), and after providing public notice and an opportunity to comment, the Secretaries, using as a baseline the period of time quantified under paragraph (3) of that subsection, shall develop and publish a performance metric for

evaluating the progress made by the Executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(f) ANNUAL REPORTS.—Not later than the date on which the President submits the first budget of the President under section 1105 of title 31, United States Code, after publication of the performance metric required under subsection (e), and annually thereafter, the Secretaries shall submit to Congress a report that—

(1) summarizes the implementation of recommendations, measures, and options identified in paragraphs (1) and (2) of subsection (d);

(2) using the performance metric developed under subsection (e), describes progress made by the Executive branch, as compared to the baseline developed pursuant to subsection (d)(3), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(g) INDIVIDUAL PROJECTS.—Each year, using data contained in the reports submitted under subsection (f), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

SA 1504. Mr. JOHNSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

SEC. _____. FENTANYL-RELATED SUBSTANCES.

(a) AMENDMENTS.—Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended—

(1) by adding at the end of subsection (b) of Schedule I the following:

“(23) Isobutyryl fentanyl.

“(24) Para-Methoxybutyrylfentanyl.

“(25) Valeryl fentanyl.

“(26) Cyclopentyl fentanyl.

“(27) Para-Chloroisobutyryl fentanyl.”;

and

(2) by adding at the end of Schedule I the following:

“(e)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of fentanyl-related substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

“(2) In paragraph (1), the term ‘fentanyl-related substances’ includes the following:

“(A) Any substance that is structurally related to fentanyl by one or more of the following modifications:

“(i) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

“(ii) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxy, halo, haloalkyl, amino or nitro groups.

“(iii) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl, amino or nitro groups.

“(iv) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

“(v) By replacement of the N-propionyl group by another acyl group.

“(B) 4'-Methyl acetyl fentanyl.

“(C) Crotonyl fentanyl.

“(D) 2'-Fluoro ortho-fluorofentanyl.

“(E) Ortho-Methyl acetylfentanyl.

“(F) Thiofuranyl fentanyl.

“(G) Ortho-Fluorobutyl fentanyl.

“(H) Ortho-Fluoroacryl fentanyl.

“(I) Beta-Methyl fentanyl.

“(J) Phenyl fentanyl.

“(K) Para-Methylfentanyl.

“(L) Beta'-Phenyl fentanyl.

“(M) Benzodioxole fentanyl.”.

(b) **EFFECTIVE DATE.**—This section shall take effect 1 day after the date of enactment of this Act.

SA 1505. Mr. WYDEN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION G—COMPETES ACT

SEC. 7001. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This division may be cited as the “Combating Oppressive and Manipulative Policies that Endanger Trade and Economic Security Act of 2021” or the “COMPETES Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this division is as follows:

Sec. 7001. Short title; table of contents.

Sec. 7002. Appropriate congressional committees defined.

TITLE I—TRADING CONSISTENT WITH AMERICAN VALUES

Subtitle A—Preventing Importation of Goods Produced by Forced Labor

Sec. 7101. Investigations of allegations of goods produced by forced labor.

Sec. 7102. Preventing importation of seafood and seafood products harvested or produced using forced labor.

Subtitle B—Addressing Censorship and Barriers to Digital Trade

Sec. 7111. Censorship as a trade barrier.

Sec. 7112. Investigation of censorship and barriers to digital trade.

Sec. 7113. Expedited investigation of discriminatory digital trade measures proposed by major trading partners of the United States.

Subtitle C—Protecting Innovators and Consumers

Sec. 7121. Technical and legal support for addressing intellectual property rights infringement cases.

Sec. 7122. Improvement of anti-counterfeiting measures.

Subtitle D—Ensuring a Level Playing Field

Sec. 7131. Report on manner and extent to which the Government of the People's Republic of China exploits Hong Kong to circumvent United States laws and protections.

Sec. 7132. Assessment of overcapacity of industries in the People's Republic of China.

TITLE II—IMPROVING TRANSPARENCY AND ADMINISTRATION OF TRADE PROGRAMS AND OVERSIGHT AND ACCOUNTABILITY OF TRADE AGENCIES

Sec. 7201. Enhanced congressional oversight of the United States Trade Representative and the Department of Commerce.

Sec. 7202. Authority of U.S. Customs and Border Protection to consolidate, modify, or reorganize customs revenue functions.

Sec. 7203. Protection from public disclosure of personally identifiable information contained in manifests.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 7301. Authorization of additional appropriations.

SEC. 7002. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this division, the term “appropriate congressional committees” means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

TITLE I—TRADING CONSISTENT WITH AMERICAN VALUES

Subtitle A—Preventing Importation of Goods Produced by Forced Labor

SEC. 7101. INVESTIGATIONS OF ALLEGATIONS OF GOODS PRODUCED BY FORCED LABOR.

Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended—

(1) by striking “All” and inserting the following:

“(a) **IN GENERAL.**—All”;

(2) by striking “‘Forced labor’, as herein used, shall mean” and inserting the following:

“(c) **FORCED LABOR DEFINED.**—In this section, the term ‘forced labor’ means”;

(3) by inserting after subsection (a), as designated by paragraph (1), the following:

“(b) **FORCED LABOR DIVISION.**—

“(1) **IN GENERAL.**—There is established in the Office of Trade of U.S. Customs and Border Protection a Forced Labor Division, which shall—

“(A) receive and investigate allegations of goods, wares, articles, or merchandise mined, produced, or manufactured using forced labor; and

“(B) coordinate with other agencies to enforce the prohibition under subsection (a).

“(2) **PRIORITIZATION OF INVESTIGATIONS.**—In prioritizing investigations under paragraph (1)(A), the Forced Labor Division shall—

“(A) consult closely with the Bureau of International Labor Affairs of the Department of Labor and the Office to Monitor and Combat Trafficking in Persons of the Department of State; and

“(B) take into account—

“(i) the complicity of—

“(I) the government of the foreign country in which the instance of forced labor is alleged to have occurred; and

“(II) the government of any other country that has facilitated the use of forced labor in the country described in subclause (I);

“(ii) the ranking of the governments described in clause (1) in the most recent report on trafficking in persons required by section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1));

“(iii) whether the good involved in the alleged instance of forced labor is included in the most recent list of goods produced by child labor or forced labor required by section 105(b)(1)(2)(C) of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. 7112(b)(2)(C)); and

“(iv) the effect taking action with respect to the alleged instance of forced labor would have in eradicating forced labor from the supply chain of the United States.

“(3) **QUARTERLY BRIEFINGS REQUIRED.**—Not less frequently than every 90 days, the Forced Labor Division shall provide briefings to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding—

“(A) allegations received under paragraph (1);

“(B) the prioritization of investigations of such allegations under paragraph (2); and

“(C) progress made toward—

“(i) issuing withhold release orders for goods, wares, articles, or merchandise mined, produced, or manufactured using forced labor; and

“(ii) making findings in and closing investigations conducted under paragraph (1).”.

SEC. 7102. PREVENTING IMPORTATION OF SEAFOOD AND SEAFOOD PRODUCTS HARVESTED OR PRODUCED USING FORCED LABOR.

(a) **DEFINITIONS.**—In this section:

(1) **CHILD LABOR.**—The term “child labor” has the meaning given the term “worst forms of child labor” in section 507 of the Trade Act of 1974 (19 U.S.C. 2467).

(2) **FORCED LABOR.**—The term “forced labor” has the meaning given that term in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(3) **HUMAN TRAFFICKING.**—The term “human trafficking” has the meaning given the term “severe forms of trafficking in persons” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(4) **SEAFOOD.**—The term “seafood” means fish, shellfish, processed fish, fish meal, shellfish products, and all other forms of marine animal and plant life other than marine mammals and birds.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(b) **FORCED LABOR IN FISHING.**—

(1) **RULEMAKING.**—Not later than one year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Secretary, shall issue regulations regarding the verification of seafood imports to ensure that no seafood or seafood product harvested or produced using forced labor is entered into the United States in violation of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(2) **STRATEGY.**—The Commissioner of U.S. Customs and Border Protection, in coordination with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall—

(A) develop a strategy for using data collected under Seafood Import Monitoring Program to identify seafood imports at risk of being harvested or produced using forced labor; and

(B) publish information regarding the strategy developed under subparagraph (A) on the website of U.S. Customs and Border Protection.